

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14270, of William H. Baum and successors, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.411 to use the third floor of the Parish Community Center of St. Luke's Parish as a geriatric day care center, for thirty-five participants, nine staff and six volunteers, under the sponsorship of the Associated Catholic Charities, in the R-2 and R-5-A Districts at premises 4925 East Capitol Street, S.E., (Square 5330, Lot 31).

HEARING DATE: March 20, 1985

DECISION DATE: March 20, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the south side of East Capitol Street between 49th and 50th Streets and is known as premises 4925 East Capitol Street, S.E. The site is located in the R-2 and R-5-A Districts.

2. The site is basically rectangular, having approximately 520 feet of frontage on East Capitol Street. The site is developed with St. Luke's Church.

3. North of the site across East Capitol there are semi-detached dwellings in the R-2 District. Across Agnes Place to the south there is an apartment house in the R-5-A District. West of the site across 49th Street there are apartment houses in the R-5-A District.

4. The applicant intends to move from its present site at 280 Otis Street, N.E., in Ward 5, and continue the same program for a geriatric day care center at the subject site. Because of its size, the new site will permit a larger enrollment of participants.

5. The proposed use is permitted as a special exception under Paragraph 3101.411 of the Zoning Regulations if approved by the BZA.

6. Paragraph 3101.411 provides that a program conducted by a church congregation or group of churches is permitted with BZA approval, provided that:

- A. The program is not organized for profit, but exclusively for the promotion of the social welfare of the community.

- B. The part of the program conducted on the property is carried on within the existing church building or structure.
- C. The staff conducting the program is composed of persons, at least seventy-five percent of whom volunteer their time and services.
- D. The operation of the program is such that it is not likely to become objectionable in the Residence District because of noise and traffic.
- E. No signs or display indicating the location of such program shall be located on the outside of the building or the grounds.
- F. Any authorization by the Board shall be limited to a period of three years, but may be renewed at the discretion of the Board.

7. The sponsor of the proposed program is the Associated Catholic Charities. The Associated Catholic Charities is a non-profit, private multipurpose family and children's agency. The major goal of the agency is to provide a broad range of social services to the residents of the Archdiocese of Washington, D.C. and Montgomery, Prince George's, Charles, St. Mary's and Calvert Counties in Maryland. Founded in 1922, the agency was incorporated in 1929 as Catholic Charities of Washington, D.C. Funding sources other than the Archdiocese are the United Way of the National Capitol area, contracts with Departments of Social Service both in the District of Columbia and Maryland, the D.C. Office on Aging, United States Catholic Conference and the National Council of Senior Citizens. In March, 1975, the consolidation of three corporations, St. Joseph's, St. Vincent's, and Catholic Charities, was completed. A new corporation, Associated Catholic Charities of the Archdiocese of Washington was formed.

8. The proposed geriatric day care center will be conducted within the existing St. Luke's parish building which is located on the subject site. The rooms to be used by the proposed center are part of the parish community center of St. Luke's Parish. The rooms are currently not used for any other activities or functions during the proposed hours of operation.

9. The Senior Day Care Center of Associated Catholic Charities was established in January of 1977 as a nonprofit outreach program to the elderly. The center is now located in Ward 5 and operates Monday through Friday from 9:00 A.M. to 5:00 P.M., excluding agency holidays. Prior to this, there were limited services to the elderly in Ward 5, and families and friends expressed concern regarding the

wellbeing of convalescing and/or frail seniors in need of supervision. Frequent contact from Providence Hospital inquiring about community services to elderly discharged patients also helped spearhead the development of the day care center. The Senior Day Care Center provides services primarily to Ward 5, in which 17.9 percent of the population is aged sixty or over.

10. In relocating to St. Luke's Center in Ward 7, in which 12.9 percent of the population is aged sixty or over, the Senior Day Care Center will provide services to both Ward 5 and Ward 7.

11. The philosophy of the program is to rehabilitate and restore participants to their maximum functioning level and maintain them at that level. The purpose of the program is to provide respite to caregivers, to prevent or lower premature institutionalization, and to prevent abuse. The center will also provide recreation and socialization and nutrition in a structured and caring therapeutic environment. All clients are District of Columbia residents. Clients currently range in age from sixty to ninety-one, with a median age of seventy-four years. All clients have one or more psychological, physiological or sociological handicaps or any combination of the above. The Senior Day Care Center provides a sense of productivity for clients which is demonstrated whenever projects are completed and displayed prior to being taken home by the participants.

12. The total client enrollment will be thirty-five. In addition to all services offered by Associated Catholic Charities, nutrition is provided through a contracted nutrition program. Recreational and educational trips are provided. There are also arts and crafts, movies, speakers on relevant topics, physical and mental exercises, ecumenical religious services and transportation.

13. The need to expand services to the elderly is based on figures from the 1980 Census and the 1982 population figures from the D.C. Office of Planning. In the District of Columbia, 30.8 percent of persons sixty years old and older reside in Wards 5 and 7.

14. Currently the Senior Day Care Center is staffed with a director, who also serves as the social worker, an occupational therapist who does the evaluations of all the clients, a recreational therapist who oversees the recreation component of the program, a recreational aide who works with the recreational therapist, a registered nurse to do the health monitoring and health screening and contact with the clients own doctors, a transportation escort to ride the bus back and forth to make sure that the clients get back and forth safely, six volunteers and four senior aides from

the District of Columbia Employment Services Program under Title V.

15. As presently constituted, ten individuals are paid and there are six volunteers. Paragraph 3101.4113 of the Zoning Regulations requires that the staff be composed of at least seventy-five percent of persons who volunteer their time and services. The Director testified that since the proposed site provides more space, the number of participants will be increased requiring more volunteers. There are currently commitments from St. Luke's for volunteers. Others have filed applications as volunteers for the new site. The Director was convinced that the center would have no difficulty in meeting the seventy-five percent volunteer requirement.

16. Obtrusive noise is not a characteristic associated with the activities conducted at a geriatric day care center. The activities which will be conducted on the site will be within the masonry walls of the church building. The sound insulating qualities of the walls combined with the substantial street separation between neighboring residential properties will negate the possibility of any objectionable impacts from noise.

17. The elderly participants in the program will arrive and depart from the site by bus. The bus will drop-off the participants, and will not remain parked at the site.

18. Staff persons and volunteers are expected to either drive private automobiles or take Metrobus to the site. There is ample unrestricted curb parking available on the site's street frontage to meet this need without creating any objectionable traffic impacts.

19. The program will not conflict with any other church activities that would create traffic or parking impacts.

20. There will be no signs or display indicating the location of the proposed program on the outside of the building or the grounds.

21. The D.C. Office on Aging advised the Office of Planning that it has funded the applicant's geriatric day care program for the past eleven years. The Office noted that the applicant's program is one of five geriatric programs located in the city. The Office on Aging supported the granting of the application.

22. As a preliminary matter to giving its report, the Office of Planning (OP), requested that the Board waive its Rules and accept the OP report even though the report was untimely filed. The Chair, for good cause shown, waived the rules and accepted the report. The OP, by report dated

March 13, 1985, recommended that the application be approved. The Office of Planning was of the opinion that the application met the special exception criteria to allow the operation of the geriatric day care center at the subject site. The OP was further of the opinion that the program would be consistent with the land use objectives of the Comprehensive Plan by providing a necessary and well appreciated service to this city's elderly residents. The Board concurs with the reasoning and recommendation of the OP.

23. Advisory Neighborhood Commission 7E, by letter dated February 15, 1985, reported that at its monthly meeting on February 12, 1985, the Commissioners voted overwhelmingly for the special exemption under Paragraph 3101.411 to use the third floor of the Parish Community Center of St. Luke's Parish as a geriatric day care center. The Board concurs with the recommendation of the ANC.

24. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirement of Paragraph 3101.411 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met its burden of proof.


The Board concludes that the application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board further concludes that it has accorded to Advisory Neighborhood Commission 7E the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of three years from the date of this order.
2. At least seventy-five percent of the staff conducting the program shall consist of volunteers.

VOTE: 3-0 (Lindsley Williams, William F. McIntosh and Charles R. Norris to grant; Carrie L. Thornhill not voting, having recused herself; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 JUL 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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